



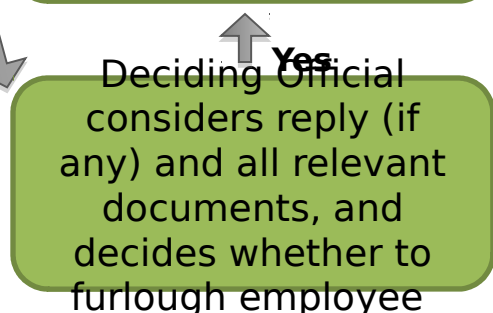
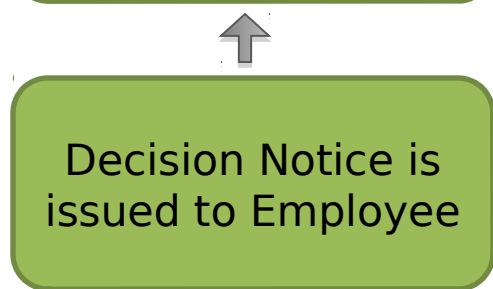
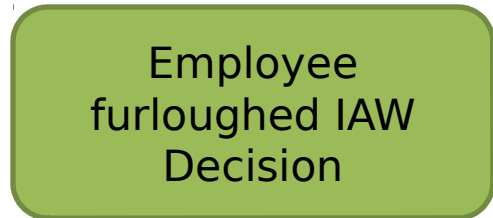
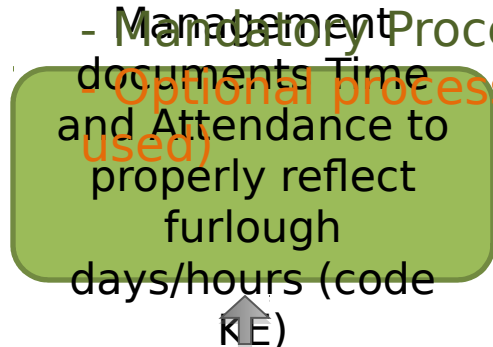
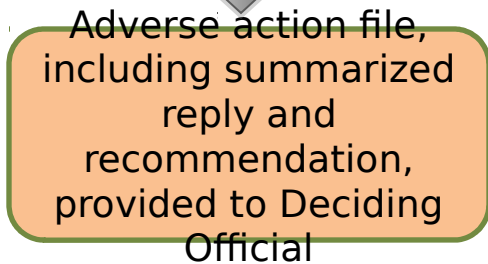
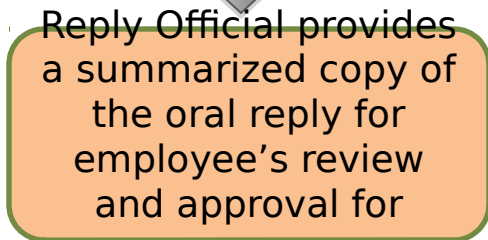
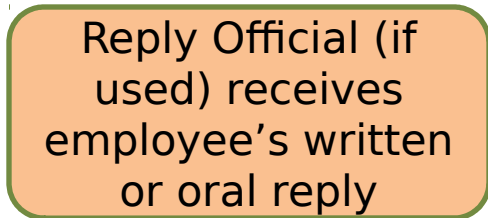
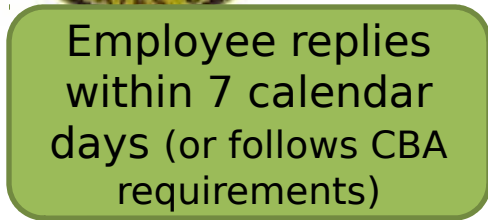
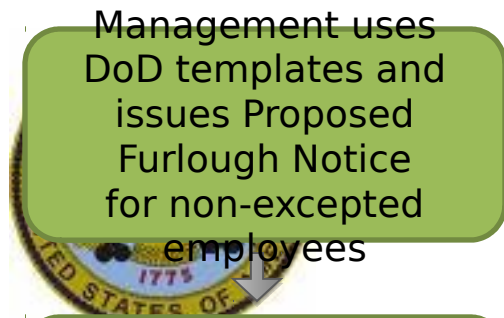
2013 Administrative Furlough Training for Army Management



Furlough is executed under Adverse Action Procedures.

However, these procedures will be different from a routine Adverse Action in a number of ways.

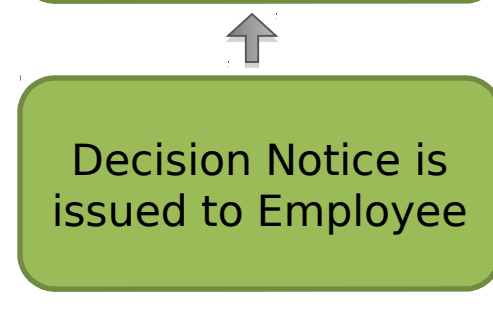
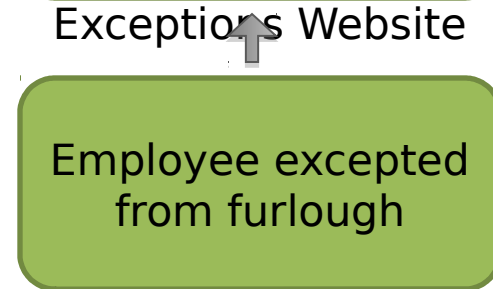
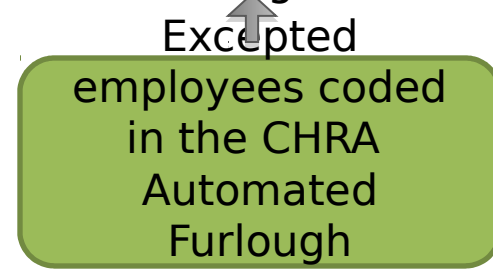
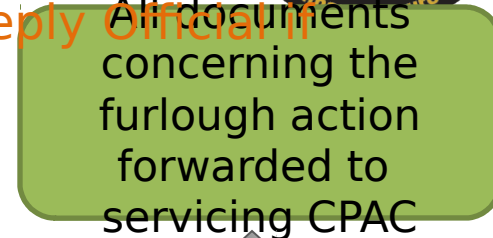
The CHRA CPAC Team stands ready to assist you!



The Furlough Process

- Mandatory Processes

- Optional processes (Reply Official if used)



No



Training Overview



Module 1: The 2013 Administrative Furlough Process

Module 2: Furlough Roles - The Proposing Official

Module 3: Furlough Roles - The Reply Official

Module 4: Furlough Roles - The Deciding Official

Module 5: Furlough Administration - Processing the Furlough Actions

Module 6: Furlough Administration - Time and Attendance

Module 7: Furlough Administration - Record Keeping

Module 8: Furlough facts and tips



Module 1:

Overview of Furlough Process



Module 1

How Is AA Furlough Different?



Traditional Adverse Action	Furlough Action
-CPAC works closely with managers on each individual Proposal and Decision Letters / Memorandum	-Proposal and Decision Letters are drafted by the commands using DOD Templates -CPAC assists commands in tailoring the DOD templates as necessary to ensure compliance with local Collective Bargaining Agreements
-CPAC assists Deciding Official with Douglas Factors determinations and checklists	-Douglas Factor determinations and checklists are not required because this is a non-disciplinary adverse action
-Use of Proposing and Deciding Official	-Use of an optional Reply Official in addition to Proposing and Deciding Official



Module 1

Existing Categorical Furlough Exceptions



- ✓ All employees deployed TDY/TCS in a combat zone
- ✓ All non-appropriated fund employees
- ✓ All OCONUS foreign national employees
- ✓ All Presidential Appointees not covered by leave system in 5 USC Chapter 63 or equivalent leave system
- ✓ Certain employees funded through NIP, MIP and ISSP directly involved in specific intelligence work
- ✓ Foreign Military Sales Organization whose positions are funded by FMA administrative or case funds
- ✓ Certain Civil Works funded employees

See ASA(M&RA) "DA Administrative Furlough Planning Memo", dated 20 Mar 2013, for specifics regarding each one of these exceptions!



Module 1

Preparing for Furlough



Management Actions to Prepare:

- ✓ Working with CPAC, determine and complete bargaining unit obligations
- ✓ Determine if your Command has developed specific Command furlough guidance
- ✓ Identify/read all documentation to be used in support of proposed furlough
- ✓ Determine who will be excepted from furlough based on existing categories
- ✓ Identify Proposing and Deciding Officials
- ✓ Determine whether to use Reply Official(s) and if so identify Reply Official(s)
- ✓ Determine furlough days schedule for your organization
 - Determine impact of negotiated labor agreements and/or Command guidance



Module 2:

The Proposing Official



Module 2

Proposing Officials



- An employee's first line supervisor generally will serve as the Furlough Proposing Official (PO)
- PO will read the documents underlying the furlough, including those at the link below, as well as command specific materials, prior to preparing notice of proposed furlough:

<http://www.chra.army.mil/hr/tools/gps/view.asp?ID=772>

- PO will prepare individual notices of proposed furlough using CPAC provided DoD templates

Template may only be amended as appropriate to



Module 2

Issuing Proposal Notices



Each PO is responsible for issuing the notice of proposed furlough by reliable means, either:

- a) In person. This may be a one-on-one or in a group setting, after which each employee may meet with his/her supervisor one-on-one
 - b) Regular *and* certified mail
 - c) Electronic delivery (only as a last resort)
- Prepare two copies of the proposal letter:
1. Original for employee to retain
 2. Acknowledgment copy for employee to sign & command to retain



Module 2

Issuing Proposal Notices



Employee Acknowledgement – If employee declines to sign the proposal letter, annotate the following on the proposal letter:

“employee was provided a copy of the proposed notice of furlough and he/she declined the opportunity to sign”

Have Mgt Official sign and date the letter

1. If available, have another Mgt Official attest to the employee declination by signing and dating
2. Union Official(s) may have a right to be present when issuing proposed furlough



Module 2

Tips & Advice



- Be respectful & compassionate
- Be prepared for extreme emotions from employees, i.e. anger, crying
- If issuing Proposal Letters in person, don't allow employee or representative to seize control of meeting or debate the proposal
- If the employee is in emotional, financial or other type of stress, advise the employee about employee assistance programs



Module 3:

The Reply Official



Module 3

Reply Official



- Deciding Officials may appoint (in writing) one or more Reply Officials, this is optional!
- May be a military officer or civilian employee
- Duties:
 - Will hear, receive and document oral and/or written replies from employees
 - Receive and respond to requests for an extension
 - Summarize any oral reply in writing and provide it to the employee for verification or comment. Request employee sign and date.
 - Prepare written recommendation regarding whether or not to furlough the employee using the “efficiency of the service” standard
 - Provide the Deciding Official the documents relied upon,

The Reply Official may only consider documents relied upon and employee’s response – no additional inquiries or external information will be considered!



Module 3

Tips & Advice



- Oral replies should only be coordinated when requested by the employee – *do not solicit oral replies!*
- Consult with the servicing L/MER specialist or labor counselor
- Review adverse action case file to include proposal notice and supporting documentation
- Be prepared that the employee may bring a representative to the reply meeting
- Not an opportunity for the employee to call or cross-examine witnesses



Module 4

The Deciding Official



Module 4

Who has Decision Authority?



The Secretary of the Army has designated the following Commanders as Deciding Officials:

- Army Commands
- Army Service Component Commands
- Direct Reporting Units
 - DRU led by a military officer may be designated a Deciding Official
 - DRU led by a civilian employee will be considered a HQDA Organization subject to the authority, direction and control of the HQDA Principal to whom the DRU reports
- US European Command, US Forces Korea, US Africa Command and Joint Special Operations Command
- Administrative Assistant to the Secretary of the Army for HQ



Module 4

Who has Decision Authority?



Delegation of Authority from Commander may go to:

- Installation Senior CDR/Sr Mgr IAW AR 600-20
- Military Officers or Senior Civilians, O-6/GS-15 (or equivalents) who would be in best position to determine the “*fair and equitable*” application of the furlough to an employee
- Re-Delegation will be effective only when in writing and signed by delegating authority

Verify actual delegation of authority. Each Commander may delegate this authority differently.



Module 4

Deciding Officials



- Deciding Officials are responsible for deciding whether or not to furlough specific employees based on the proposals, information relied upon and the employee's replies
- In making decisions, Deciding Officials are determining whether to furlough of the employee for the "efficiency of the service"
- Deciding Officials will be held responsible for any and all actions they take pursuant to their designation as a Deciding Official, including the exercise of authorities inherent in such a designation, and for any actions taken by officials under their supervision who may be designated as Deciding Officials and to whom the requisite authorities were re-delegated



Module 4

Decision Authority



Deciding Officials have the authority to:

1. Except employee from furlough in the grade of GS-15 (and equivalents) and below, and
2. Limit the number of furlough hours that any full-time individual employee in the grade of GS-15 (and equivalents) and below before the end of FY 2013
3. Temporarily or permanently recall from furlough an employee in an emergency, but only to the extent the individual employee is needed to prevent unacceptable risk or catastrophic gaps in the safety and protection of life and property

Note: Deciding Officials will have the authority to execute the full range of options with respect to providing relief in individual employee cases



Module 4

Deciding Officials' Oral Reply Responsibilities



Oral reply should only be arranged when requested by the employee. When not using a Reply Official, Deciding Officials are responsible for hearing oral replies and should:

- a) Be prepared that the employee may bring a representative to the reply meeting
- b) Know that the oral reply is not an opportunity for the employee to call or cross-examine witnesses
- c) Decide whether to have another management official present during the oral reply
- d) Summarize any oral reply in writing and provide it to the employee for verification or comment. Request employee sign and date the document or document when and how the employee received it
- e) Consult with the servicing L/MER specialist or labor



Module 4

Deciding Officials' Responsibilities



Deciding Officials (DO) are responsible for and shall consider the following before deciding on the furlough action:

1. Review the Adverse Action File
 - a) Proposal Notice & Supporting Documentation
 - b) Employee Response (if any)
 - c) The Reply Official's Recommendation (if any)
 - d) Review relevant portions of the CBA or MOU
2. Consult with his or her servicing L/MER specialist or labor counsel



Module 4

Deciding Officials' Responsibilities



3. Decide whether or not to furlough the employee
 - Standard to apply - “Efficiency of the service”
 - If the decision is not to furlough the employee, or to limit the number of furlough hours/days to which an employee is subject, Commanders must inform the ASA(M&RA) in writing of:
 - the action taken
 - and the underlying rationale
4. Issue a written decision using the CPAC provided DoD template & delivered to the employee on or before effective date of furlough

Note: Douglas Factors are not required to be considered because this is a non-disciplinary action



Module 4

Deciding Officials' Responsibilities



- Delivery must be accomplished by hand delivery or other reliable means (i.e., regular and certified mail, personal delivery to employees home)
- Employee should sign acknowledgment receipt or Mgt should annotate the employees refusal to sign
- Electronic delivery is not preferred due to the challenges confirming receipt & obtaining employee acknowledgement
- A signed employee acknowledgment receipt, proof of delivery or proof of employee declination to sign must be obtained/secured
- Commands should retain copies of the signed notices in the supervisory files and transmit original copies and proof of receipt to CPAC IAW 5 USC 7513 & 5 CFR



Module 4

Tips & Advice



- Be respectful & compassionate
- Be prepared for extreme emotions from employees, i.e. anger, crying
- Don't allow employee or representative to seize control of meeting
- If employee is in emotional, financial or other types of stress, advise of any employee assistance programs
- Check with CPAC regarding provisions of CBA or MOU



Module 5:

Processing Furlough Actions



Module 5

Processing the Furlough Actions

- Furloughed Civilian Employees will have a furlough action processed
 - Notice of Personnel Action (NPA)
 - A mass action for All Army employees* will be processed UNLESS management takes action to prevent the furlough personnel action
- Management will be required to identify excepted employees
 - Manager will be required to select the employee and reason for exception on the CHRA AutoNOA Furlough Exceptions Website
 - The designation of Exception in AutoNOA will be routed through a Command Official for validation.
- Command POC will be required to validate exceptions



Module 6:

Time and Attendance



Module 6

Time and Attendance



- Processing of the personnel action alone will not stop an employee's pay on their furlough day
- Timekeepers must ensure furlough time is accounted for in their appropriate timekeeping system
- Details
 - Furlough time will be coded in hours, not days
 - "KE" and "Furlough" is the timekeeping code and description



Module 7:

Recordkeeping



Module 7

CMD Recordkeeping Responsibilities



- During Furlough Adverse Action Process, an appropriate command official will maintain the following files:
- Proposal notice
 - Employee's acknowledged receipt of proposed furlough
 - Employee's response to Reply Official
 - Recommendation of Reply Official & supporting documentation
 - Command specific or employee specific documents relied upon
 - Decision notice
 - Employee's acknowledged receipt of decision notice
 - If delivery by mail, proof of delivery
 - If delivered by email, include "read receipt" and confirmation of their acknowledgment of receipt
 - Request for Personnel Action (RPA) and Notification of Personnel Action (NPA)*

- *CMD should forward all originals of the above to the CPAC &*

* RPA and NPA may be obtained via CPOL, Portal, Manager Tab



Module 8:

Furlough Facts



Module 8

Furlough Facts



- Organization may not increase contract funding, use contract employees to perform inherently government functions or use premium pay (overtime or compensatory time) to offset federal employees absence
- Employees are prohibited from working on-site, or on a telework basis, during furlough hours
- Employee may not substitute paid leave or other paid time off for furlough time



Module 8

Furlough Facts



- No proposed furlough notice or notice of final furlough decision is required for employees on LWOP & not expected to return to work during the period of furlough
- Probationary employees should receive proposal notice, an opportunity to respond, and a decision notice, as described above



Toolkit



<http://www.chra.army.mil/hr/tools/gps/view.asp?ID=761>



Questions



CPAC POC – email

Phone